

Exhibit 10

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This Exec Is Forcing Google Into Its First Trial Over Sexist Pay Discrimination

Google Cloud director Ulku Rowe says she was underpaid by hundreds of thousands of dollars. It's set to be the first case to reach trial since an employee revolt led Google to drop forced arbitration.



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MORE THAN 20,000 fed-up Google employees staged a worldwide walkout in 2018 to demand a safer, fairer workplace for women after scandals over sexual harassment and unequal pay roiled the company. That fight was not an unqualified success: Pay equity data remains scarce and organizers say they suffered retaliation. But one victory—Google's end to a forced arbitration policy requiring employees to privately settle disputes out of court—is at last bearing fruit.

A pay discrimination trial against Google is scheduled to begin in New York on October 10, the first since the company ended forced arbitration. Ulku Rowe, an executive in Google's cloud unit, alleges that she was hired at a lower level and salary than equally or less qualified men and that Google retaliated when she complained, denying her promotion opportunities and even demoting her.

Barring a last minute settlement, the trial will offer a rare glimpse into how executives set pay and choose who gets to advance inside a tech giant that has long sought to shroud those details from the public. Google Cloud's CTO, Will Grannis, and its former president, Tariq Shaukat, are due to testify.

The costs and uncertainty of a trial combined with a fear of airing dirty laundry cause companies to settle most pay discrimination lawsuits, says Alex Colvin, dean of Cornell University's School of Industrial and Labor Relations. Last year, the US government outlawed forced arbitration in sexual harassment and sexual assault cases, but half of US employers still mandate it for other disputes. Rowe would not be scheduled to have her day in court if the walkout had not forced Google to end the practice. "I think that's a good illustration of why there's still a push to extend that law to other kinds of cases, including other kinds of gender discrimination," Colvin says.

Google hired Rowe, formerly a CTO at JPMorgan Chase, as a technical director of financial services at Google Cloud in 2017. According to filings for the case headed for trial this week, she was the only woman among 17 people hired for technical director roles at Google over a two-year period. Some, including Rowe, were

brought on at level 8 on Google's internal hierarchy, while others were hired at level 9, a notch below vice president.

When Rowe expressed concern that she had been underleveled, she alleges a hiring manager told her, apparently incorrectly, that everyone in those roles was hired at the lower level and that she would be promoted to a VP position leading the financial services group once Google Cloud reorganized. The difference in compensation between the two levels has cost her hundreds of thousands of dollars per year, according to court filings.

Have you worked at Google? Is there something you think WIRED should know? Email the author at caitlin_harrington@wired.com or contact her via Signal on [+1 415-340-1483](tel:+14153401483). WIRED protects the confidentiality of its sources.

Rowe alleges that one of her managers excluded her from meetings, email lists, and team offsites that her male colleagues were invited to. When the VP role that she had been promised opened up, Rowe says, the manager did not initially consider her for the position. She claims that Google Cloud's CTO had separately told her she was the most qualified candidate. Google gave the job to a man who was less qualified, her complaint claims. Rowe says that after she complained she had been discriminated against, managers retaliated by demoting her and declining to interview her when she later expressed interest in another VP position she was qualified for.

During an internal Google investigation into Rowe's complaints, the executive recruiter involved in the financial services VP search described Rowe as "abrasive," "cantankerous," and "bristly." Research has shown that women are penalized for language perceived as overly aggressive far more often than men. One study found that women were 11 times more likely than men to be described as "abrasive." The investigation found no wrongdoing.

Google spokesperson Courtenay Mencini says the company thoroughly investigated Rowe's complaints but found no basis for them. "We compensate Googlers based on what they do, not who they are," she says. Google runs an annual pay equity analysis and makes adjustments accordingly, Mencini says, but that information is accessible

only to staff, not the public. She also says that Google overhauled the way it investigated employee concerns five years ago, after the walkout.

Pernicious Pattern

Cara Greene, a lawyer with the firm Outten and Golden representing Rowe, says Rowe's case highlights a pernicious form of pay discrimination common in tech. When companies audit their pay practices, she says, they typically look at disparities between workers at the same level, not whether different people of similar ability were placed in the same level in the first place. "That's where a lot of pay discrimination and inequity manifests itself," Greene says.

Google has faced many accusations of pay inequity over the past several years. In 2017, an engineer named Erica Joy Baker compiled a salary spreadsheet of 1,200 employees, which showed that women at most levels made less than men and that the disparity widened as employees approached the top of the hierarchy. Google called the analysis incomplete, but that same year, a US Department of Labor investigation found "systemic compensation disparities against women pretty much across the entire workforce." As a result, Google paid out a \$3.8 million settlement. Last year, the company paid \$118 million to settle a class action filed on behalf of 15,500 women in California claiming that the company systematically underpaid them, and \$22 million to settle a New York suit alleging that the company underleveled Black and female employees.

Claire Stapleton, a former Google employee who co-organized the 2018 walkout, says the company's culture created "a sense that you could not question the logic of wages and leveling at Google because it was so airtight." As she, Baker, and other employees started opening up about their salaries, however, it became common to hear stories of women, particularly women of color, who were underleveled relative to their white male colleagues. "It just became obvious around that time that the qualities or attributes that are expected for each level are incredibly subjective and have a lot to do with areas that can be easily influenced by bias," Stapleton says.

When Rowe joined Google in 2017, the male-dominated tech industry was undergoing a reckoning over its treatment of women. A month earlier, Uber engineer Susan Fowler had posted an explosive memo about the discrimination and sexual

harassment she'd faced at the company, spurring other colleagues to come forward and precipitating the eventual ouster of CEO Travis Kalanick.

The industry has made modest progress since then, although cuts to staff working on improving diversity during the recent wave of layoffs could threaten that momentum. According to Josh Brenner, CEO of the jobs platform Hired, the wage gap between male and female tech workers has narrowed since 2017, when women were offered lower initial salaries than men 63 percent of the time. That number has fallen each year since, reaching 55 percent in 2023. At Google, however, the status of pay equity is as secret as a Chrome Incognito window.

Arjuna Capital, a social impact investment firm, puts out a scorecard each year assessing companies' commitments to gender and racial pay equity and transparency. This year, Google's parent company Alphabet earned an F. In 2016, Arjuna began filing shareholder proposals to get the company to release pay equity data. "Google at that time was a case study in what not to do when it came to gender equity," says managing partner Natasha Lamb. She says the company finally began releasing some limited data in 2018, but has since stopped doing even that.

Pay Checks

At the other end of the pay scale from Rowe, the Alphabet Workers Union, which represents more than 1,400 US workers, released a survey of Google's large US temp, vendor, and contractor workforce, exposing another harbor of inequity. TVCs typically receive lesser pay, benefits, workplace privileges, and job security than employees and face scarcer opportunities for advancement.

One person in that category who does marketing work for Google says she maxed out her two year limit as a temp, so the company converted her to a vendor, where she performed the same job but was no longer allowed on Google's campuses. "The job is by its nature temporary, so there's more fear of retaliation," says the vendor, who requested anonymity for that reason.

The AWU survey found that women were more common among the TVC workforce. Sixty-six percent of US-based Alphabet employees are men, according to company data, compared to 51 percent of AWU-surveyed TVCs. Black and Latinx or Hispanic

vendors reported 20 percent lower pay than their white counterparts. Mencini, Google's spokesperson, calls the survey results misleading, saying the company sets minimum compensation standards for non-staff work, although the AWU says that thousands of TVCs are paid below this standard.

These workers often lack the resources of someone like Rowe to hold their employer to account. Instead, some have sought to cement fairer pay through collective bargaining. Earlier this year, the US labor board deemed Google a joint employer of contractors for YouTube Music, requiring the company to bargain with the workers, who voted to unionize. Google has refused and is appealing the decision.

Stapleton expresses disappointment that Google managed to quash much of the organizing energy that emerged around the walkout. But she derives hope from agitators like Rowe. “That someone like this would use her privilege and seniority to push back against Google in a public way, I think that has ripple effects for other people, and it proves there's a lot of fight left,” Stapleton says. “Hopefully it's reinvigorating.”

Updated 10-2-2023, 11.55 am EDT: Google's pay equity analysis is available to company staff, not held confidential.

Updated 10-3-2023, 1:15 pm EDT: The trial was rescheduled to begin October 10.

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[Caitlin Harrington](#) is a staff writer at WIRED. Before coming to WIRED as a research fellow, Harrington worked as an editorial fellow at *San Francisco* magazine and as a certified medical dosimetrist in the radiation oncology field. She earned her bachelor's degree in English from Boston University and lives in...
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